

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: inconsistent terminology usage in the claims. In this case, although the claimed term "the telecommunication net" does not raise uncertainties, it lacks antecedent basis in that it is inconsistent with previously presented claimed terms. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this case, the claimed clause "a step of verification of said identifier" on the 7th line of claim 1, raises uncertainty as to which identifier the clause makes reference to, the identifier of the user or the identifier of the computer system. For the purposes of examination it will be interpreted as being the identifier of the user of the calling terminal.

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4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether it is the computer system to be remote-controlled or the centralized computer system and/or calling terminal that is acknowledging the command. For the purposes of examination, it has been interpreted as, acknowledging by the computer system to be remote-controlled a command towards the centralized computer system and/or towards the calling terminal.

5. Claim 1 is objected to due to the following minor noted informality, the claim recites the limitation "the authorizing command" in the fourth paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Carapelli (US 2004/0054601) (referred to as Carapelli hereafter).

Regarding claim 1, Carapelli teaches a remote-control process comprising:

opening a first communication session through an intermediary (e.g. access point 7 of Fig. 1) of a telecommunication network (5 of Fig. 1) between a calling terminal (customer with digital mobile communicator 6 of Fig. 1) and a centralized computer system (4 of Fig. 1) [0039];

sending an identifier (e.g. customer ID) of a user of the calling terminal to the centralized computer system [0040] and of an identifier of a computer system (e.g. vending machine's code) to be remote-controlled through the intermediary of the telecommunication network [0041-0042];

verifying said identifier (e.g. user's identifier) by the centralized computer system [0040]; and

if verification is positive, sending an authorization (e.g. a command), from the centralized computer system to the computer system (vending machine) to be remote-controlled and executing the authorized command by the computer system to be remote-controlled [0043].

Regarding claim 2, comprising:

as a preliminary to the step of sending an identifier of a computer system to be remote-controlled, through the intermediary of the telecommunication network,

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communicating between the computer system to be remote-controlled and the calling terminal, during which the computer system (interface 10 thereof) to be remote-controlled sends its identifier to the calling terminal [0047].

Regarding claim 4, comprising:

verifying availability (e.g. state) of the computer system to be remote-controlled, by the centralized computer system [0042].

Regarding claim 11, this device claim comprises limitation(s) substantially the same as those discussed on claim 1 above, same rationale of rejection is applicable, wherein the method steps further comprise the modules for performing respective function/steps discussed therein, same rationale of rejection is applicable.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 3, 5-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carapelli in view of Silberberg (US 2003/0010821) (referred to as Silberberg hereafter).

Regarding claim 3, Carapelli does not explicitly disclose the step in the case of unauthorized use of the computer system to be remote-controlled, of communication during which the computer system to be remote-controlled sends a representative message of unauthorized utilization.

Silberberg teaches in case of unauthorized use of the computer system (e.g. parking meter) to be remote-controlled, communicating (the parking meter having communication means, [0014]), during which the computer system to be remote-controlled sends a representative message of unauthorized utilization (e.g. overstay of a vehicle) ([0021], [0055]).

It would have been obvious to one of ordinary skill at the time of the claimed invention given the desirability of Carapelli for a system/method for implementing a service in an intelligent telecommunication network comprising a product/service order, regarding a remote-controlled terminal (e.g. parking meter), made by a caller to a remote control center, and using charge and location data to grant the request, the teachings of Silberberg which implement the same remote server concept for a parking

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system. One would be motivated to combine these teachings because in doing so the system/method of Carapelli would be enhanced by offering additional functionality and features, such as the ability to make requests in advance, and/or utilizing sensors to detect a user in the vicinity of the device.

Regarding claim 5, comprising:

acknowledging by the computer system to be remote-controlled (parking meter) a command towards the centralized computer system (control station) and/or towards the calling terminal (user) (Silberberg: the control station transmits data to the communication means of the parking meter to cause the parking meter to indicate that payment has been made for the parking space for a particular time period, [0016]).

Regarding claim 6, comprising:

selecting a time of activating the order by the computer system to be remote-controlled (Silberberg: information from the mobile telephone concerning the time required for parking and the time parking is to commence, [0059]) and,

at a selected time, executing the order by the computer system to be remote-controlled (Silberberg: when the user telephones the parking station upon arrival and transmits the code, the code is compared by a computer or server at this station so as to allow access to the parking station, [0060]).

Regarding claim 9, comprising:

a second communicating between a calling terminal (user) that is possible different from the calling terminal which opened the first communication session, and the computer system to be remote-controlled (parking bay), with the computer system to be remote-controlled (parking bay) executing the order in response to this second session (Silberberg: the users call may be received by the receiver within the parking bay which transmits data to a central location, [0011]).

11. Claims 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carapelli in view of Banerjee et al. (US 2003/0061094) (referred to as Banerjee hereafter).

Regarding claim 7, Carapelli does not explicitly disclose the computer system to be remote-controlled detecting an end of utilization.

Banerjee teaches detecting, by the computer system to be remote-controlled (APD machine), an end of utilization thereof (the APD machine then determines whether the user wishes to make another selection. If no, then the process ends, [0042]).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention given the desirability of Carapelli for a system/method to automate vending machine requests from customer by use of a remote control station, the teachings of Banerjee for providing products to a user by means of an automated

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dispensing machine. One would be motivated to combine these teachings because in doing so the services of Carapelli would be improved by managing a precise inventory of all the items and increasing customer satisfaction by compensating the customer for any inconveniences.

Regarding claim 8, comprising:

opening a communication session (service discovery gateway) between the computer system to be remote-controlled (APD machine) and the centralized computer system (service discovery system), as soon as the computer system to be remote-controlled is available (Banerjee: the service discovery gateway uses and maintains the service registry to maintain an accurate reflection of currently available services in the micronetwork, [0047]).

Regarding claim 10, comprising:

interrogating by a third party and providing status data concerning one or several computer systems to be remote-controlled (Banerjee: a user may use a client to query a service discovery gateway about the location of available services, [0049]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADHU KHANNA whose telephone number is (571)270-3629. The examiner can normally be reached on Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. K./
Examiner, Art Unit 4117

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Supervisory Patent Examiner, Art Unit 4117